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Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The United Nations and the United Nations Interim Administration Mission in Kosovo must acknowledge their responsibility and individually compensate the Roma, Ashkali and Balkan Egyptians who were housed in toxic refugee camps in North Mitrovica/Mitrovicë (Kosovo) between 1999 and 2013

The United Nations (UN) still refuses to pay compensation to members of the ethnic minority community of Kosovar Roma, Ashkali and Egyptians for the suffering that was caused to them, despite the recommendations of the Human Rights Advisory Panel to the United Nations Interim Administration Mission in Kosovo (UNMIK).

Following the NATO intervention in Kosovo in 1999, several hundred Roma, Ashkali and Egyptians were housed in five lead-contaminated refugee camps in North Mitrovica/Mitrovicë (Žitkoc/Žitkovac, Cesminlukë/Česmin Lug, Kablare and Leposaviq/Leposavić and later "Osterode").

Members of the Roma communities, among them a large number of children, fell ill as a result of the high concentrations of lead in the camps. Medical reports document a wide range of problems including paralysis, meningitis (encephalitis), kidney disease, weakened immune systems, anaemia, weight loss, behavioural disorders, high blood pressure, breathing difficulties, muscle weakness, headaches, etc. The Roma refugees [OPB: "The former displaced persons"?] struggle to cope with the long-term consequences. They also believe that lead poisoning has been the cause of a number of deaths.

When their complaint was submitted to the Human Rights Advisory Panel in 2008, approximately half of the 192 complainants were children. More than 75 were women and girls, at least 13 of whom had given birth to children in the contaminated camps, on whose behalf they also submitted complaints.

In its 79-page Opinion, delivered on 26 February 2016 (N. M. and Others v. UNMIK, Case No. 26/08, Opinion 26 February 2016), the Panel found that the UN had failed in its duty to safeguard the rights of the Roma families and had been negligent in its treatment of them. The Opinion says that UNMIK had violated the rights of the Roma IDPs under a number of international conventions and discriminated against them. It recommended that the UNMIK should pay adequate compensation to the complainants for the damage caused them as a result of UNMIK's violation of applicable human rights standards by allowing them to be exposed to adverse health conditions in the lead-contaminated camps" and make a public apology to them and their families.

The UN's response, in June 2017, was to announce that it proposed to establish a Trust Fund to assist the Roma communities in North Mitrovica/Mitrovicë, South Mitrovica/Mitrovicë and Leposavić. This Fund would provide community-based health care services and economic support for families living in the area concerned, together with infrastructural improvements benefitting the Roma, Ashkali and Egyptian communities "more broadly".

In the opinion of our human rights organisation this proposal is a superficial solution that is intended to avoid having to pay the Roma victims of lead poisoning due compensation. It is indeed disturbing to learn that although according to the UN a funding appeal to Member States was launched in July 2017, no contributions had been received by the beginning of 2018.

We believe that humanitarian relief should not be considered a substitute for justice and indemnification. This belief has been reinforced by the results of a recent survey conducted by our human rights organisation in order to document the current health status of former residents of the camps for internally-displaced persons in North Mitrovica/Mitrovicë. The survey's findings have confirmed that individuals who had lived in the camps have high blood lead concentration levels and may already have suffered long-term harm.

The survey conducted by STP / GfbV clearly showed that in addition to their very poor economic and social circumstances, health care provision for the Roma, Ashkali and Egyptians has not improved since they left the refugee camps. This was confirmed by a Human Rights Watch report published in September 2017.

A number of the individuals interviewed by us even said that they had been better off in the refugee camps than they were today. Such depressing observations reflect the failure of the government of Kosovo and that of the international community and the United Nations, who should have sought to secure better living conditions for the Roma, Ashkali and Egyptians than the depressing reality, above all by seeking to safeguard their minority rights and end discrimination by the authorities and by the wider society. Part of that involves the payment of adequate individual compensation to the victims of lead poisoning and a belated public apology to them from the UN.

Society for Threatened Peoples calls on the UN Human Rights Council,

- to appeal to UN Secretary-General António Guterres and the UN Office of Legal Affairs urgently to implement the recommendations of the UN Human Rights Advisory Panel, that the Kosovo Roma, Ashkali and Egyptian families forced to live in lead-contaminated camps for internally displaced persons in North Mitrovica/Mitrovicë (Zhitkoc/Žitkovac, Cesminluke/Česmin Lug, Kablare, Leposaviq/Leposavić and later "Osterode") between 1999 and 2013 should be paid adequate individual financial compensation without further delay;
- that the UN and UNMIK should acknowledge publicly the appalling health status of these people, attributable to lead contamination in the refugee camp, and the harm suffered by the complainants in consequence, and that the UN and UNMIK should apologise publicly to the complainants and their families;
- that the UN should guarantee all the persons concerned adequate humanitarian assistance and medical treatment by a team of specialist international physicians, with specialist treatment provided for the children in particular;
- that the Roma families are consulted before any proposed projects are implemented and that projects are implemented in such a way as to take full account of the health consequences of lead poisoning.

Our human rights organisation believes that, if the UN is concerned to mitigate the shame of having failed to carry out its mandate to protect the displaced persons, it needs to acknowledge its responsibility for their health and lives.